

BOARD MEETING
ARKANSAS STATE BOARD OF CHIROPRACTIC EXAMINERS

December 14, 2010

101 E. Capitol Avenue, Suite 209
Little Rock, AR 72201

APPEARANCES:

Thomas D. Taylor, D.C.	Chairman
Dr. Beverly Foster	Board Member
Weldon Roberts	Board Member
Jack McCoy	Board Member
Terry Barnett, D.C.	Board Member
Kent Moore, D.C.	Board Member
Rebecca Wright	Executive Director, ASBCE

BOARD LEGAL COUNSEL:

Amanda Abernethy
Asst. Attorney General

ALSO IN ATTENDANCE:

Sharon Hill, Certified Court Reporter

I N D E X

Page

Preliminary Matters	3
Election of New Officers	6
Approval of Minutes	7
Budget Report	8
FOIA Requests Report	14
Correspondence/Communications	15
Executive Director Report	18
Old Business	34
New Business	41
Credentials Review/Temporary Licenses	43
Investigation Report	70
Court Reporter's Certificate	72

P R O C E E D I N G S

CHAIRMAN TAYLOR: I'll go ahead and call the meeting to order. First of all, we'll have roll-call of board members. Dr. Terry Barnett?

DR. BARNETT: Present.

CHAIRMAN TAYLOR: Dr. Kent Moore?

DR. MOORE: Present.

CHAIRMAN TAYLOR: Mr. Jack McCoy?

MR. MCCOY: Present.

CHAIRMAN TAYLOR: Mr. Weldon Roberts?

MR. ROBERTS: Here.

CHAIRMAN TAYLOR: And we have also Executive Director Rebecca Wright and Assistant Attorney General Mandy Abernethy and Dr. Beverly Foster.

MR. MCCOY: She was here a minute ago.

MS. ABERNETHY: She's still here.

CHAIRMAN TAYLOR: All right. And the first -- okay. With regard to Dr. Collins, I think everybody is aware of -- and this is in regard to his condition that you were talking about, Rebecca.

MS. WRIGHT: Yeah.

CHAIRMAN TAYLOR: I understand he's having surgery today for his gallbladder?

MS. WRIGHT: Yes.

CHAIRMAN TAYLOR: So we might remember him. And then, let's see, also there's -- I tell you what -- we'll go into his situation because of the fact that the rules and regs require certain officers to be in place for -- you know -- for the board to work in its functional capacity. So we're going to -- I'm going to open the floor for nominations for officers. The floor is open for nominations for president.

DR. BARNETT: You didn't announce that Dr. Collins resigned.

CHAIRMAN TAYLOR: Oh. Is that what you were talking about?

MS. WRIGHT: Well, a little bit. Yeah. Everything.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: Yeah. Sorry about that.

CHAIRMAN TAYLOR: Well, Dr. Collins did resign from the Board and we wish him well. And I think we also have a plaque. You had a plaque made up for him?

MS. WRIGHT: Yes. I'm going to order a plaque. We've got one for Dr. Barnes and I will mail that to him, and we've got another one that I'm going to order this week for Dr. Collins.

DR. FOSTER: As a point of order of that, I know in the past the Board has never been allowed to give accolades or monetary prizes to members of the board. And for that reason, we've never allowed plaques unless the board members just out-of-pocket paid for them. But to take from our funds, is that --

DR. BARNETT: We'll out-of-pocket pay for it.

DR. FOSTER: I mean, just so that we don't do anything that is wrong, is it okay to do that with our funds?

MR. ROBERTS: Do I have to give mine back that I got from the state?

DR. FOSTER: I don't know. I'm not trying to fight you on it. I'm just telling you -- I know my history of 14 years on the board is not always welcome but just we never did that because we were never to give money out to the members and a plaque. But what is the policy on that for state agencies?

MS. ABERNETHY: It's my understanding that with regard to plaques or something like that, if there's a de minimis cost -- and I believe that de minimis is defined as under \$100 -- that

if the Board decides to do that, that they may do that. And that's just based on my understanding of it. I don't think there's a statute. I think there is something that says de minimis. But I think that a plaque in recognition of service is different than cash. I think it would be inappropriate to give someone cash out of your funds. But just "here, thanks for being on the board" -- I think lots of state agencies give plaques in recognition of service. And it's just my understanding that as long as it's a de minimis value -- you don't want to be giving, you know, gold-plated plaques or something like that.

DR. BARNETT: How much does a plaque cost?

MS. WRIGHT: Around -- with all the taxes and everything, around \$160. And as long as it's below \$500 we do not have to have board approval. And this is something that Dr. Collins brought up at the October meeting, stating that because it's under \$500 it was something he wanted to start doing.

DR. FOSTER: I did read that in the minutes but, again, I wanted to relay that in the past the Executive Director -- every year it would come up with a new member and, naturally, somebody new on the board would say, "Well, let's give a plaque," and then we would be instructed differently. So perhaps they were all misdirected and it sounds like it's fine, and I don't want to obstruct it. But I just wanted to mention the history on that in case we did something that was unethical or inappropriate use of our funds.

CHAIRMAN TAYLOR: We might -- if you will -- I'll direct you, Rebecca, to give us some information on that at the next board meeting -- you know, what -- you know, the references that Dr. Collins gave with regard to discretionary funds, the funds that he could use. I think it's \$500 and with regard, you know, to statements made by Mandy of \$100, to kind of weigh

that out and just kind of make sure we have all our ducks in a row.

DR. FOSTER: And maybe we could develop it into a policy where it doesn't have to be revisited every time, but that there's a policy for that.

MS. ABERNATHY: And my comments were not centered around your discretionary fund. My comments were mainly about -- Dr. Foster had mentioned gifts. I just know on the ethics form that all state employees and board members have to fill out you have to agree not to accept gifts in lieu of, you know -- or to, you know, persuade you. It's an ethical issue and it does say de minimis. But there very well may be something in your language or in the state policy about having discretionary funds. And I don't think those two are necessarily in conflict, especially if you all have authority to spend \$500 or less just with board approval and it's in recognition of someone's service. I don't think there's anything wrong with that. But I just wanted to clarify what I was talking about as far as de minimis gifts.

CHAIRMAN TAYLOR: Okay. So we'll just have that on the agenda for meeting. That would be great.

MS. WRIGHT: Uh-huh.

CHAIRMAN TAYLOR: Okay. So I'll open the nominations for officers, first for president.

DR. BARNETT: I'd like to nominate Tom Taylor.

MR. ROBERTS: And I'll second.

CHAIRMAN TAYLOR: Any other nominations?

MR. ROBERTS: I move that nominations cease.

DR. BARNETT: Second.

CHAIRMAN TAYLOR: So moved and seconded. Any discussion? All in favor say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: All opposed?

(SHORT PERIOD OF SILENCE)

CHAIRMAN TAYLOR: Okay. Now the board -- or the secretary position. I will open the floor for nominations for secretary.

DR. BARNETT: I'd like to nominate Dr. Kent Moore.

MR. ROBERTS: And I'll second.

CHAIRMAN TAYLOR: Nomination made and seconded. Any other nominations for secretary?

MR. McCOY: I move they cease.

CHAIRMAN TAYLOR: Motion to move they cease. Do we have a second?

MR. ROBERTS: I'll second.

CHAIRMAN TAYLOR: Any discussion? All in favor say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed? Opposed, same sign.

(SHORT PERIOD OF SILENCE)

CHAIRMAN TAYLOR: Okay. Let's see here. Then, I'll go ahead and appoint -- if Dr. Barnett will be an investigative officer?

DR. BARNETT: Sure.

CHAIRMAN TAYLOR: Okay. And the examination officer --

DR. BARNETT: All that stays the same, doesn't it?

CHAIRMAN TAYLOR: No. I guess I could do examination officer unless somebody else wants to do it. Do you want to do examination officer?

DR. FOSTER: No.

CHAIRMAN TAYLOR: Okay. I'll go ahead and do that. I guess that's the end of the officer election.

APPROVAL OF MINUTES

CHAIRMAN TAYLOR: We're going to go to the next item on the agenda, the Approval of Minutes for the October 21 meeting.

MS. WRIGHT: And, Dr. Taylor, I added in your request on page 6.

CHAIRMAN TAYLOR: Okay.

MR. ROBERTS: I make a motion that the minutes be approved as written.

CHAIRMAN TAYLOR: Motion made --

DR. BARNETT: Second.

CHAIRMAN TAYLOR: -- by Mr. Roberts, second by Dr. Barnett. Any discussion? All in favor say "aye."

(MAJORITY CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by the same sign?

DR. FOSTER: I abstain.

CHAIRMAN TAYLOR: Abstain, Dr. Foster. And next, we'll go to the November 23 minutes. Take a minute to read that, if you will.

DR. BARNETT: Motion that we accept the minutes as written.

CHAIRMAN TAYLOR: Motion by Dr. Barnett.

DR. MOORE: Second.

CHAIRMAN TAYLOR: Second by Dr. Moore. Any discussion? All in favor say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by the same sign?

BUDGET REPORT

CHAIRMAN TAYLOR: The next item is Budget Report and Dr. Wright -- Rebecca Wright will comment on this.

MS. WRIGHT: Yes. The budget report is -- these are the reports I receive from Service Bureau every month. You'll see on page 14 is our available budget. Then, on page 15 you'll see our line items, to see where the funds are coming out of and where each one is going. And that looks -- that's several

pages. That goes to page 17. So if you want to follow through that, you can see where we are for November, the end of November. Page 18 shows the salaries that have been paid out, which would just be my salary because I'm a full-time employee. And you have -- page 18 is for November; page 19 is for December. And then starting on page 20 you'll see the trial balance and that's where over there at Service Bureau and in the Accounting Department they go through all of our funds and what's been deposited and what's been paid out. And then page 22 -- okay. So starting on page 20 is the trial balance for the fifth part of the fiscal year, and then on 22 it goes through November 30th, so you can see the breakdown. And then the last part is on page 25. These are what they call a "warrant." It's when they write the checks out. And this -- you know -- we can always compare -- I always have notes when I write my checks and I always send a copy to Mr. Roberts. And then they also have their lists and this is what they provide to us of all the checks that have been written out. So we're following the budget. And we have our budget analyst, Richard Slakovich [phonetic spelling], and we also have Faulk Pryor [ps] at Service Bureau, so there's always three people involved with our budget.

DR. FOSTER: And, Rebecca, on our travel, page 17, how does that work out where you list the -- I know Dr. Barnett went to the (inaudible), so a lot of those -- can you explain all those for me?

MS. WRIGHT: Oh. That one, I probably just didn't include it.

DR. FOSTER: And was there another member, "other" for \$1,000 and then I guess for Dr. Barnett one is for a meeting and then one -- two probably are for meetings?

MS. WRIGHT: Yeah. These will be the different -- these

will be for each board member's travel, whether it was out-of-state or in-state.

DR. FOSTER: Okay. What was the one that was for \$823.79 and the one that was for \$1,029.87?

MS. WRIGHT: That looks like that was for Dr. Moore's travel to and from the board meetings and as he stays at the hotels.

DR. MOORE: Not that one.

MS. WRIGHT: Okay. Well, I can call and check on that. Now is that against his name or is that a total? Because that could be a total.

DR. MOORE: It's by my name but --

MS. WRIGHT: Below your name. See it? Yeah.

DR. FOSTER: There are two like that.

MS. WRIGHT: Yeah. See, it looks like those are added up. Dr. Barnett and Dr. Moore, \$725.67 plus \$98.12 comes out to \$823.79. And you have Dr. Collins, Dr. Barnett, Dr. Barnett, Dr. Moore adds up to \$1,029.87. So, that looks like a total underneath.

DR. MOORE: A sub-total.

MS. WRIGHT: Yeah.

DR. FOSTER: And then where are our temporary workers' hours in this?

MS. WRIGHT: They don't include that.

DR. FOSTER: What was that? How much is that and how much are they working?

MS. WRIGHT: Well, she's been hired -- the extra help position is I want to say like \$9.06 an hour for 1,000 hours a year. But this is -- because it's extra help, it's not included with this.

DR. FOSTER: Where does it come from out of our budget?

MS. WRIGHT: Out of the extra help. We have an extra help

line for that position.

DR. FOSTER: And is that on page 20?

MS. WRIGHT: I don't know if it's included on that or not. Let's see. Yeah, there it is. The extra help salary, \$1,087.

DR. FOSTER: What's our budget for her for the year?

MS. WRIGHT: Well, it's \$1,000 a year so -- I mean, 1,000 hours a year, so \$9,000 minus her taxes.

DR. FOSTER: And where are we at this point? We're at the end of the year -- correct? -- for that?

MS. WRIGHT: No.

DR. FOSTER: It's July?

MS. WRIGHT: It's July through June. Uh-huh.

DR. FOSTER: Where are we with that? How many hours do we have left?

MS. WRIGHT: Between 250 and 300. So starting this week she's going back to part-time.

DR. FOSTER: Okay.

MR. McCOY: What is this salary expense?

MS. WRIGHT: Salary expense? On page 20?

MR. McCOY: The figure is out here. What is it, is what I'm asking.

MS. WRIGHT: What page are you on?

MR. McCOY: Twenty.

MS. WRIGHT: I'm not --

MR. McCOY: It's four or five up from the bottom.

MS. WRIGHT: Oh, I see it, Salary Expense. I'd have to call Budget about it. It could be the taxes that are paid, it could be the insurance that's paid, 'cause I'm a full-time employee. So there are benefits and, of course, taxes associated with my position. So that could be all inclusive in that.

MR. McCOY: Will you find out for me?

MS. WRIGHT: Sure.

MR. McCOY: I'd like to know.

DR. BARNETT: It looks like it's a total for that entire group.

MS. WRIGHT: Yeah, it could be.

MR. McCOY: That's sort of what I'm thinking, but I don't know.

DR. BARNETT: You've got \$3,610, \$800 --

MS. WRIGHT: It could be a total.

DR. BARNETT: Yeah. I think that's the total of all that.

DR. FOSTER: And then, Rebecca, do you have the -- you know -- in the past, we've always had that sort of -- and it may be in here and I don't see it, so help me out because your format is a little different. Is there the total of how much we have in savings, how much we have in cash, if we're actually depleting our savings versus building our savings? How does that work?

MS. WRIGHT: Oh. What we actually have is a money management trust fund and we don't use that. We just earn interest on that and it's sitting around \$98,000 right now. And then this --

DR. FOSTER: Is that down considerably from a year or two ago?

MS. WRIGHT: Not that I know of because we haven't touched that.

DR. FOSTER: Okay. Is there any way we could see how that's gone over the last five years just by having that balance over five years published at least once a year to us, to see if we've depleted any?

CHAIRMAN TAYLOR: There's two accounts; right? Is there two accounts or three?

MS. WRIGHT: Just two. The money management trust fund is

one and then the other is what we just moved everything over to the State Treasury and it's just like a bank account.

CHAIRMAN TAYLOR: What's the balance on that?

MS. WRIGHT: That's what's in here. Yeah. That's what these reports are. Because what you have to do is look at the warrant details --

CHAIRMAN TAYLOR: What page is that on?

MS. WRIGHT: That starts on page 25.

CHAIRMAN TAYLOR: Where's the ending balance?

MS. WRIGHT: Well, on page 26 you can see all the warrant details that have been written out, which is \$11,229.31. Then what you'd have to do is go back over here and look at the trial balance and you'll see where we've been making our deposits. Of course, that increases it. They're showing -- on page 21, they're showing a final balance of \$365,229.87, and we balanced.

CHAIRMAN TAYLOR: Is that the one account balance?

MS. WRIGHT: Yeah. This is all from the State Treasury.

CHAIRMAN TAYLOR: And it ends when, what date?

MS. WRIGHT: November 30th.

CHAIRMAN TAYLOR: Okay.

DR. FOSTER: Well, would it be possible to have the cash-flow statement for the meetings?

MS. WRIGHT: Yeah. I can talk to Service Bureau. These reports come from Service Bureau.

DR. FOSTER: Or they can just give us one where we see what our cash-flow -- cash-in, cash-out --

MS. WRIGHT: So you want a simpler form than this? Because these are the reports that come from Service Bureau. So that's why I wanted to provide this to the board because this is all your information.

DR. FOSTER: Right. So our balance in the active Treasury

account is how much?

MS. WRIGHT: According to the balance on here, it's \$365,229.87, page 21.

CHAIRMAN TAYLOR: Is that not -- compared to last year at this time is that normal or is it higher or lower?

MS. WRIGHT: It looks higher to me.

CHAIRMAN TAYLOR: How much higher?

MS. WRIGHT: I'd have to look.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: Yeah. I'd have to look at it.

CHAIRMAN TAYLOR: So there's \$98,000 in one account and the 350-something [sic] in the other?

MS. WRIGHT: Yeah.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: Yeah. We have two accounts.

CHAIRMAN TAYLOR: Okay. Any other questions board members have about this report? I'll entertain a motion to accept the financial report.

DR. MOORE: Second.

CHAIRMAN TAYLOR: Are you making the motion?

DR. MOORE: Oh. I'm making the motion.

CHAIRMAN TAYLOR: Okay.

DR. BARNETT: And I'll second.

CHAIRMAN TAYLOR: Dr. Moore made the motion, second by Dr. Barnett. Any discussion? All in favor say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Opposed by like sign?

FREEDOM OF INFORMATION ACT REQUESTS REPORT

CHAIRMAN TAYLOR: The next matter is the Freedom of Information Act Request Report, on page 27, tab four. This is just information on it?

MS. WRIGHT: Yes. We've had -- in December, we've had two FOIA requests. So that makes a total of 29 requests since June of '09.

DR. MOORE: Is this just for our information or --

MS. WRIGHT: Yes. Just for your information.

DR. FOSTER: I think that's just standard so we know who's asking about what. But I'm not seeing that -- where is that reporter's FOIA request, Rebecca?

MS. WRIGHT: I'll have to check. I mean, he may have just gotten left off. I can double-check that. Yeah.

CHAIRMAN TAYLOR: I'll direct Rebecca to bring that to the next meeting as one of the agenda items, but just go ahead and --

MS. WRIGHT: Update the list?

CHAIRMAN TAYLOR: -- update the list.

CORRESPONDENCE/COMMUNICATION

CHAIRMAN TAYLOR: The next item is Correspondence/Communication, tab five. Okay. Do you want to go ahead and discuss this?

MS. WRIGHT: Discuss this one. There are several doctors in Oklahoma who -- because Oklahoma changed its licensing rules, they're in a transition period. So they just want to -- like Tina Southworth, she just wants to make sure that the number of hours that she earns for Oklahoma in this transition period will be accepted by Arkansas. So I went ahead and brought this to the Board. You can see we started this on November 7th but with Dr. Collins having health problems it's unfortunately been pushed down and down and down. So that's why I thought let's go ahead and bring it to the Board and see what y'all have to say about that. But she's trying to renew her Arkansas license and she wants to make sure her Oklahoma

hours that she's earned in this transition period -- that's where the question is -- in this transition period will be accepted by Arkansas.

CHAIRMAN TAYLOR: I think the previous Board rulings are that, you know, that the CE hours -- that if the licensee has a license in our state then we accept those CE's for our state.

MS. WRIGHT: Uh-huh.

DR. FOSTER: That's out-of-state active.

CHAIRMAN TAYLOR: Active.

DR. FOSTER: But in-state active

MS. WRIGHT: No. She's out-of-state. The question comes from because Oklahoma is transitioning she's got fewer hours than she normally would have.

MR. McCOY: At this time?

MS. WRIGHT: At this time. Yeah.

DR. BARNETT: She's compliant in Oklahoma?

MS. WRIGHT: Yes.

DR. FOSTER: And she's not practicing in Arkansas?

MS. WRIGHT: No, she's in Oklahoma. Yeah. But carries an out-of-state license.

DR. FOSTER: The thing with Oklahoma and Missouri is that they just cross the state line one day a week and practice. So we have to watch and monitor that they're not coming across the state line without our active license. And sometimes they are often -- they'll ask those questions if they're actually practicing in Arkansas.

DR. MOORE: But is this saying that she's only got eight hours this whole year?

MS. WRIGHT: Uh-huh.

DR. MOORE: And she's wanting to not have the full twelve hours this year and have them next year instead?

DR. FOSTER: It doesn't matter. If Oklahoma renews her in good standing and she's not practicing in Arkansas, and she wants to keep an out-of-state active license, then she just has to renew Oklahoma and then renew on paper with us. She's not practicing here, so she can have an out-of-state active license.

DR. MOORE: Okay.

DR. FOSTER: So was there any other issue with that one, Rebecca?

MS. WRIGHT: No. Her question is because they're in a transition period she wasn't sure if we would accept -- you know -- she says here, "I have eight hours of CE's to turn in by July 2010," which is lower than what they normally would have gotten for Oklahoma. So that's what her question is, because it's in a transition period will the Board still accept what Oklahoma is requiring.

CHAIRMAN TAYLOR: I don't see why not.

MS. WRIGHT: Right.

CHAIRMAN TAYLOR: The Chair will entertain a motion to the effect that Dr. Southworth be sent a letter that states that as long as she has the CE hours in compliance with Oklahoma and is practicing, and with an active license there, and has an inactive license here, then that would be adequate for CE hours to retain her inactive license here in the State of Arkansas.

DR. MOORE: What he said, I make that motion.

MS. WRIGHT: Got it.

MR. McCOY: I want to add for the period of your request -- in other words, encourage her to go ahead and get the rest of the hours.

CHAIRMAN TAYLOR: Well, we can't do that. We've got a motion on the floor.

MR. McCOY: She says she's going to, I don't see why not.

CHAIRMAN TAYLOR: Do I have a second?

DR. FOSTER: Second, for discussion.

CHAIRMAN TAYLOR: Second by Dr. Foster. And the discussion?

DR. FOSTER: In my opinion, that's just an administrative point that doesn't require any action by our board. The Executive Director knows that for her to renew in Arkansas with an out-of-state active license she need only have Oklahoma licensure in good standing. And, therefore, regardless of the individual circumstances or transition of any state, if they're willing to give her the license in Oklahoma and she has proof of that, she may apply to renew her out-of-state active. It doesn't require any special consideration at all.

CHAIRMAN TAYLOR: No. But since she brought this to the Board's attention, I thought we would go ahead and just make sure that we have a motion.

MR. MCCOY: You have a motion, don't you?

CHAIRMAN TAYLOR: Yeah. Motion and consensus of the Board to go ahead.

DR. FOSTER: But you really don't need it because --

CHAIRMAN TAYLOR: Any other discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by the same sign? And, Rebecca, I will direct you as Executive Director, in reviewing this type of -- of course, we want to make sure that they're in compliance with the state that they're in, that the CE is checked so that, you know, it's in compliance with and has been granted Oklahoma status.

EXECUTIVE DIRECTOR'S REPORT

CHAIRMAN TAYLOR: Okay. The next is the Executive Report

-- Executive Director's Report.

MS. WRIGHT: Okay. Starting on page 33, these are the license renewal status request changes and I believe there's four of them. So after you discuss this, my question would be for those who did not make the December 14th board meeting to have their status request changes considered, what do you want to do with the rest of the licensees who will turn in these changes? Because those have to be renewed by December 31st.

DR. FOSTER: You know, it's just always been the policy of the Board of Directors -- or the Board of Examiners would individually approve license and license status changes. So there's never been a time when they were routinely switched or changed because the Board of Examiners should acknowledge everyone practicing in the state. So in the past, if someone required a change, a telephone conference would be held, but the Board always voted. So when I read in the minutes that it said that the Board wanted to do this this way now, we've never not voted on everyone coming into the state or changing their status, either by orientation, credentialing, examining them, or voting to transfer the license from inactive or out-of-state active to in-state. Because if you read the statutes, it says that the responsibility of the Board is to review and give the license. It's not administration.

DR. MOORE: I'm confused. What are we proposing?

DR. FOSTER: These are just very routine situations where people want to change. Maybe they used to live in Oklahoma, they have a license there, they've kept a license in Arkansas, they want to come back to Arkansas to practice. In the past the Board of Examiners has always voted one very license given out. And I would encourage the Board to maintain that power and authority. You want to vote on every license and everyone practicing.

DR. MOORE: But is there a movement to not do that anymore?

DR. FOSTER: Well, in the minutes it was mentioned that this would be a new policy to do this, whereas what I'm saying is I think it's standard -- it's always been standard for the Board, in the 14 years I've been on it, that the Board of Examiners gives the license.

DR. MOORE: Right.

DR. FOSTER: You don't automatically send in a form and change your license because -- for many reasons. You've got to be responsible for everybody you let practice. You want to review their records, you want to make sure you've asked the questions, you don't have anything outstanding that would be a concern possibly in Sinbad. And it's always nice to have your Executive Director prepare the documents for you, for your review, and then as they come up during the year temporary licenses, any kind of proctoring, any kind of transfer of license, the Board just has a phone meeting and says, "Let me ask this, this, this," and then votes. And I would encourage you to do that. But you've just given us a review; right?

MS. WRIGHT: Uh-huh.

CHAIRMAN TAYLOR: I mean, this is all we're doing. Right.

DR. FOSTER: You have three to be reviewed.

MR. McCOY: You're taking these one at a time, aren't you?

CHAIRMAN TAYLOR: Yeah. Yeah.

MR. McCOY: There you go.

DR. FOSTER: So is there anything on the first one, Rebecca? It looks like you have an application that's in order. Is it in order --

MS. WRIGHT: Yes.

DR. FOSTER: -- to the best of your knowledge?

MS. WRIGHT: Uh-huh.

DR. FOSTER: And are all of the fees required paid?

MS. WRIGHT: Yes. Everything is on file.

DR. FOSTER: And these are the questions we would traditionally say if we had a check-off list. Has this individual had any kind of a record with Sinbad?

MS. WRIGHT: Not that I know of. Huh-uh.

DR. FOSTER: Are you routinely checking Sinbad when someone requests licensure in the state?

MS. WRIGHT: When I first started here, I was only told to check Sinbad for new applicants. This is the first I've heard about license renewals.

DR. FOSTER: Well, it is a tool that we have and the Sinbad, as you know, is the profession's national registry of all disciplinary actions. It's a way for us to check their activities in other states and also it ties into the national federal repository for disciplinary actions with federal law. And so we would always consider it a good tool and it's a good question to ask. So could we check Sinbad on these folks in the future? You've got that online password and can go onto Sinbad and check their record?

MS. WRIGHT: Yeah. If that's the will of the Board, I will.

DR. FOSTER: And in this case you don't have any knowledge of any kind of past problem with this individual?

MS. WRIGHT: No.

DR. FOSTER: And is there any -- does this individual have a background check?

MS. WRIGHT: Not as a licensee. I'm sure he did as a -- when he first applied with Arkansas. But, no, as a --

DR. FOSTER: Do we have any statutory requirement that they have a background check when they convert their license from out-of-state active to in-state?

MS. WRIGHT: Not that I've seen in our rules or statutes.
No.

DR. FOSTER: I'm just trying to bring a little bit of method to the madness because, you know, it's good to have that kind of hit list to train the new board members especially on those questions.

DR. BARNETT: Well, I think it's fair if someone from out-of-state wants a license that you should run them through Sinbad.

CHAIRMAN TAYLOR: Yeah.

DR. BARNETT: You never know what happened or what's been going on. That's commonsense.

CHAIRMAN TAYLOR: Yeah, I understand. I need a motion.

DR. BARNETT: Let me make a motion. We'll start with this first one. We have to have a motion on each one, correct?

MR. MCCOY: It's my understanding we do them one at a time.

DR. BARNETT: All right. We'll start with the first one. I make a motion we accept this application for in-state active license provided that the Sinbad report comes back clear.

CHAIRMAN TAYLOR: I have a motion on the floor by Dr. Barnett.

DR. MOORE: I'll second.

CHAIRMAN TAYLOR: And Dr. Moore seconded. Any discussion?
All in favor say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by the same sign?

DR. MOORE: Can we move for all future applicants, in order to make that a new policy?

CHAIRMAN TAYLOR: Yeah. Do you want to make that motion?

DR. MOORE: I'd like to make that motion.

CHAIRMAN TAYLOR: We have a motion by Dr. Moore that we

make it a policy that all applicants --

MR. McCOY: All applicants for what?

CHAIRMAN TAYLOR: For licensure.

MR. McCOY: On Matlock, all he's trying to do is go inactive.

DR. BARNETT: Yeah. But he's not part of this.

MR. McCOY: Okay. That's what I want to make -- get that clear.

MS. WRIGHT: Is it all applicants for licensure or all applicants for license renewal? Because this is for license renewal.

DR. MOORE: Changes in new applicants or changes in license renewal status.

MS. WRIGHT: Okay.

MR. McCOY: Well, if they're trying to go inactive, why do you want to do that?

DR. BARNETT: We don't, Jack. This is a different story.

CHAIRMAN TAYLOR: Motion on the floor.

DR. BARNETT: We're still on the first one.

MR. McCOY: The motion is to set a procedure.

CHAIRMAN TAYLOR: Do I have a second?

MR. McCOY: Read the motion.

DR. BARNETT: The motion -- we're doing the motion on one doctor, the first one. The motion is that we accept his application for in-state active provided that there's nothing derogatory on the Sinbad.

MR. McCOY: We voted on that.

CHAIRMAN TAYLOR: We're on a policy change for future applicants, whether they're renewal or new licensees.

MS. WRIGHT: Yes.

CHAIRMAN TAYLOR: Motion on the floor.

MR. McCOY: Second.

CHAIRMAN TAYLOR: You second?

MR. McCOY: Yeah. That's fine. Yeah.

CHAIRMAN TAYLOR: Second by Mr. McCoy. Any discussion?

DR. FOSTER: As a point of administration, it would be very easy to have the in-state active renewal form include a space where the applicant is required to declare if he's practicing in Arkansas and just simply wants to renew in-state active, which would be fair to everyone, "Have you had a Sinbad report." And the reason is, otherwise, she needs to go check everyone every year they renew.

CHAIRMAN TAYLOR: I think that's fairly easy for her to do though.

DR. FOSTER: But not on every in-state --

CHAIRMAN TAYLOR: Well, it becomes a moot point, the fact that -- you know, if she's going to check Sinbad --

DR. FOSTER: Well, and the thing is too she probably can get Arkansas licensure. But anybody who is licensed in Arkansas but also is practicing in another state, when they renew -- let's say they practice three days a week here. When they renew their license, they fill out this form and they don't have to declare if they had an incident in Oklahoma that would be on Sinbad. If you want to fairly administer what you're trying -- what you're doing, which I think is a good idea, you have to have all in-state active renewals checked for Sinbad, which means that she'll have 680 to do every year. This in-state active, if a person wants to convert in-state active -- to in-state active renewal, then she can easily check Sinbad on that. But I think that what you would be doing if you require one person to do it, they might find it unusual that you don't know if the ones that are practicing in-state and work in Oklahoma two days a week have had a Sinbad disciplinary action in Oklahoma reported, that the State Board

doesn't know about it. It would be very easy to put it on their renewal form, "Have you had in this past year an action in any other state reported to Sinbad." Just like we say, "Have you had a felony this year" or "have you had this or that." So that's just an administrative point. However, you can always cross those bridges when you get to the point where you have problems with it.

CHAIRMAN TAYLOR: Yeah.

DR. FOSTER: So your motion is actually that only when people change their status --

DR. MOORE: Right.

DR. FOSTER: -- do they have to have a Sinbad search?

DR. MOORE: Yes. Changing their status to active, not necessarily the reverse.

DR. FOSTER: Yeah.

DR. MOORE: If they were going inactive, it wouldn't matter.

MR. McCOY: Right.

DR. FOSTER: There you go.

CHAIRMAN TAYLOR: Any other discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed? Do we have a motion on Carl?

MR. McCOY: I move that we pass. He's just trying to go inactive. He's 80-something years old now.

CHAIRMAN TAYLOR: Well, the situation is that we've done one already. So if you want to look at the two and make --

DR. BARNETT: I'll make a motion we accept his request to go inactive.

MR. McCOY: Second.

CHAIRMAN TAYLOR: Is there a checklist that we have on

this, Rebecca?

MS. WRIGHT: No. These are license renewals. So, no.

CHAIRMAN TAYLOR: Okay. So, really, on the renewals, you know, I was completely unaware of Sinbad not being checked. So that's good that we brought this up. I mean, so what we're going to actually do then is -- that motion that we did and seconded and passed is going to affect these as well.

DR. MOORE: He's going down instead of up. He's going inactive.

CHAIRMAN TAYLOR: Yeah.

DR. FOSTER: So I make a motion that Kimberly Taylor --

CHAIRMAN TAYLOR: Well, we have a motion on the floor for Carl Matlock first.

MS. ABERNETHY: And a second.

DR. FOSTER: Oh, I didn't hear that. Sorry.

MS. ABERNETHY: I was seconded.

CHAIRMAN TAYLOR: Second by Mr. McCoy. Okay. Any other further discussion? All in favor say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by the same sign? Okay. On Kimberly Taylor?

DR. FOSTER: Oh. I make a motion that Kimberly Taylor be allowed out-of-state active renewal --

DR. MOORE: I second.

DR. FOSTER: -- provided she's met all the requirements and Sinbad is not required.

CHAIRMAN TAYLOR: Sinbad is not required on this one? So Sinbad is not part of your motion, right?

DR. FOSTER: Right.

CHAIRMAN TAYLOR: Okay. The motion is by Dr. Foster to accept Kimberly Taylor for out-of-state active renewal and second by Dr. Moore, Kent Moore. All in favor say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by the same sign. The next is Ron Wells. We'll take just about 30 seconds to read that one sheet on page 37.

DR. MOORE: Why are the hours required for out-of-state different from in-state hours? He's only showing 18 hours.

DR. FOSTER: And when was the last time he had an Arkansas out-of-state active license, Rebecca?

MS. WRIGHT: About four years ago, because right now his status is not active in the database. And like you said, in his letter he was told by whoever the staff person was here that he didn't have to renew if he went inactive.

DR. FOSTER: Well, do you have a record of his past licensure?

MS. WRIGHT: Yes. Well, whatever is in the database. Yes.

DR. FOSTER: And so when was he first licensed?

MS. WRIGHT: Oh, I'd have to go look it up in that case.

DR. FOSTER: All right. And then was he --

MS. WRIGHT: He said it was about four years ago, when he was --

DR. FOSTER: But you don't have any records of it?

MS. WRIGHT: Well, I wasn't here. I don't know who was here at that time, so --

DR. FOSTER: So we don't have a record of renewals of our doctors?

MS. WRIGHT: For this one? You know, if he was told that he didn't have to send in renewal forms, then, no. I mean, he was --

DR. FOSTER: I mean, prior to him stopping, it would be nice to know what the date was that he last renewed. But you don't have that information in your database or in all those

files?

MS. WRIGHT: Well, I can tell you renewals go back to, I believe, '04. So we'd have to pull each file and go back to 2004 and see what's in there.

DR. BARNETT: What is his status right now?

MS. WRIGHT: Not active.

DR. BARNETT: Not active?

MS. WRIGHT: Uh-huh.

DR. BARNETT: So he does have -- his status is not active?

MS. WRIGHT: Right. My understanding is that he wanted to go inactive in Arkansas, and whoever was here at that time told him "yes, you can do that; within five years, you can bring your license back up." He wasn't told that if you go inactive every year you should renew it as inactive status.

DR. MOORE: So he had been renewing inactive?

MS. WRIGHT: No.

DR. MOORE: He just been doing nothing?

MS. WRIGHT: Correct. Because that's what he was told. Now I don't know who was here. I can tell you I was not here four years ago, so I don't know who was.

DR. FOSTER: It was his responsibility to know the law. It's not -- the Executive Director doesn't have any authority to tell him anything. He has to just follow the statute. The Executive Director can't counsel him to not renew for four years, and it sounds like that's what happened, if he's telling it the way it happened. I mean, it's unfortunate for him because our law is very -- has two -- there are two ways to read it. One is that you forfeit your license if it's not renewed after so many days, and then there's another section that says that -- now, Rebecca, can you go over that with us? What are the two different situations there, forfeiture and then the five-year rule in our statute?

CHAIRMAN TAYLOR: Let me just interject something here, if I might. I think he must have gotten confused with a transfer license, you know, because, you know, he'd gotten an active license in another state. So he really in effect does not have a license in the State of Arkansas, legally. So what he would do is go five years and then he can ask back for a transfer license by having a license in another state. That's on page two.

DR. FOSTER: Because there are three or four sections that address this.

CHAIRMAN TAYLOR: Yeah. Yeah.

DR. FOSTER: What is the rule, Rebecca, on the five-year part? Are you saying that he needs that?

MS. WRIGHT: No. I just presented the application to the Board. This is the letter he wrote and this is what he put in his letter.

DR. BARNETT: This guy might want to come back. Can we table this till the January meeting?

MS. WRIGHT: Well, it's up to the Board because the deadline is December 31st.

DR. BARNETT: Oh, okay.

MR. ROBERTS: On page 38 of this, he attended three hour-and-a-half sessions and got six hours of credit.

CHAIRMAN TAYLOR: He can do that.

DR. FOSTER: It depends on the classroom hours. We don't have a definition of classroom hour in Arkansas.

DR. MOORE: I have a comment. If he is not licensed anyway, a renewal would not apply. So it could be tabled till January because the deadline wouldn't matter because he's unlicensed right now anyway. He's requesting a renewal, not a new licensure.

CHAIRMAN TAYLOR: Yeah. But I think he's wanting to have

an answer so he may have other options available, as well. What I would think -- it appears that he's confused the transfer of license, and that we could actually say "it appears that your license has not been renewed and you're not licensed in the State of Arkansas." And what you may be referring to is a transfer of license, whereby if you went past the five-year period then you could ask back for a transfer of license if you want to practice back in Arkansas, if you have another license.

DR. FOSTER: I mean, what you're saying is that if he -- our transfer of license says that if you've been in good standing for five years you can take the state examination.

CHAIRMAN TAYLOR: And, of course, it depends on when he took the exam, when he graduated from chiropractor's college.

DR. FOSTER: That's right. So he would be eligible --

CHAIRMAN TAYLOR: -- for a transfer of license. Yeah. And we could send him a copy of the transfer of license.

DR. FOSTER: Because it doesn't appear he's eligible for renewal.

CHAIRMAN TAYLOR: No.

MS. ABERNETHY: What about reactivation of a lapsed license? Under your statute 17-81-317 it says, in subsection C, it says, "If a licensee's license has been inactive for a period of five years as a condition of reactivation the board may require the licensee to enroll in and pass a refresher course approved by the board." And it does say you may. So it stands that you don't have to; you may not require that. Obviously, he's a professor and he may not need to enroll in a refresher course at an accredited chiropractor college or to pass a competency exam given by the board. So --

CHAIRMAN TAYLOR: What section is that?

MS. ABERNETHY: We're on page 24.

DR. FOSTER: It just seems that that language requires that he be of licensure in Arkansas for five years, and it appears it's only been four.

MS. ABERNETHY: Right. Yes. So if it's been inactive for a period of five years -- so I guess -- so you're saying that section doesn't apply to him because he's only been inactive for four years?

DR. FOSTER: Right. That's why I was asking Rebecca about what -- what does it say about the five-year rule and how does the board interpret -- how do you renew based on that five-year rule.

MS. WRIGHT: And I think that's what she just read about the lapsed license.

DR. FOSTER: So how do you do it if it's less than five years? How are you doing it?

MS. WRIGHT: I bring it to the board. I mean, that's what he's doing. He wrote his letter to the board.

DR. BARNETT: Like I said, can we not table this till the January meeting? I mean, he's not wanting a license right now and, you know, even though, yeah, that technically goes past the deadline, you know, we still have some leeway to investigate this and make a decision. We can sit and talk about this all day long, but we've got other things --

MR. McCOY: Delay it for 30 days or till the next meeting --

DR. BARNETT: Yeah.

MR. McCOY: -- and take action.

DR. BARNETT: Yeah.

MR. McCOY: It'll give you time, you and you, to do the research.

DR. BARNETT: Yeah.

CHAIRMAN TAYLOR: Was it your impression, Rebecca, that he

wanted an answer pretty readily on this?

MS. WRIGHT: Uh-huh. Yes.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: Well, when I talked to him I think he was just confused to hear -- he was told four years ago he could go inactive and then, you know, sometime in five years he could come back.

CHAIRMAN TAYLOR: I tell you what; we'll table this issue. And then, if you'll find out from him the urgency --

MS. WRIGHT: Sure.

CHAIRMAN TAYLOR: -- and if we need to have a teleconference, we can do that real quick between now and then, that time. And that way -- it's pretty late, you know, but I don't know how else we're going to cover that.

MS. WRIGHT: Sure.

CHAIRMAN TAYLOR: But just find out what he's wanting to do, you know, where he's wanting to go with this.

DR. MOORE: Because either way he's not a candidate for what he's requesting here.

MS. WRIGHT: Okay.

CHAIRMAN TAYLOR: Yeah. Yeah.

MS. WRIGHT: That's all I needed.

DR. BARNETT: We'll do an investigation on this.

CHAIRMAN TAYLOR: So we'll table Dr. Wells' and Rebecca will find out from him some specifics on the matter and then get back with me. If we need to have a meeting prior to our January meeting, a teleconference, we can do that. Okay. The next item is number seven, Old Business.

MS. WRIGHT: Oh, no. There were some more items.

CHAIRMAN TAYLOR: Oh, I'm sorry.

MS. WRIGHT: On page 41 it's just the update of the continuing education. What we're doing is we're tracking them

each day and each month now so you can see -- the end of October we had 16 requests, pre-approval requests come in. In the month of November, we had 175 and currently, in December, we're sitting at 44. So just in, what, six weeks time we've had 235 requests. And by tracking this now we can see not only -- we know we make between \$10,000 and \$11,000 a year, but now we can see the actual numbers of how many seminars are coming in -- requests are coming in.

CHAIRMAN TAYLOR: What kind of figure monetarily have you come up with? Do you remember we discussed that? Do you remember what that yearly is on that?

MS. WRIGHT: Oh. That we're making on the CE requests?

CHAIRMAN TAYLOR: Yes.

MS. WRIGHT: It's between \$10,000 and \$11,000. Because last year, when I gave you the report, I want to say it was like \$10,600 or something like that. So I'd have -- well, yeah. So we bring in -- this agency brings in between \$10,000 and \$11,000.

CHAIRMAN TAYLOR: Per year?

MS. WRIGHT: Per year.

CHAIRMAN TAYLOR: Okay. So that --

MS. WRIGHT: Yeah. And then just so we can have clearer reports I now track the number of requests that come in.

CHAIRMAN TAYLOR: I think that's just information?

MS. WRIGHT: That's just information. Yeah. And then, on page 42, your Statements of Financial Interest are here. So you've got to fill these out as board members. Your deadline is January 31st. So I have plenty of the original on file, so if you lose it just give me a call; I'll get it to you.

DR. MOORE: We need another one.

MS. WRIGHT: Oh, you're passing them around? Did Mr. Roberts get his? There we go.

DR. MOORE: Is this on a fiscal year?

MS. WRIGHT: Huh?

DR. MOORE: Fiscal year or calendar year?

MS. WRIGHT: This goes on the calendar year, January 1 through December 31. This is just so you have your notice. You now have your packets.

CHAIRMAN TAYLOR: This is due by the 31st of January?

MS. WRIGHT: By January 31st. And you file it with the Secretary of State's office, not with me.

CHAIRMAN TAYLOR: Now you can go on-line and do this?

MS. WRIGHT: Yes. And there's instructions on how to do it on-line. So, but if you lose it or if you forget, just call me. I've got the original in the office.

MR. ROBERTS: So get started early if you're going to do it on-line because you've got to get a password and all that stuff.

MR. MCCOY: I've already filed one this year.

OLD BUSINESS

CHAIRMAN TAYLOR: Okay. The next item is -- okay, now we're going to go to Old Business. We're on Old Business now, Rebecca?

MS. WRIGHT: Yes.

CHAIRMAN TAYLOR: Okay. National Board of Examiners?

MS. WRIGHT: Dr. Paul Townsend. Yes. That is -- I wanted to -- before I paid his travel reimbursement, I wanted to bring this to the board. The October minutes, when they were approved with the amendments, one of those was that this board would agree to pay for a representative to come to address this board's question, and the president said yes and there was a directive, blah-blah-blah. So, before I contacted him, I wanted to make the board aware that it has been approved that

this agency would pay Dr. Paul Townsend's travel when he came to Arkansas.

CHAIRMAN TAYLOR: I don't recall ever --

DR. FOSTER: That's not written that way. The writing is ambiguous, but I believe that it said that the board -- if the national board would agree for him to come.

CHAIRMAN TAYLOR: Yeah.

MS. WRIGHT: No. This was transcribed straight from the recording.

DR. FOSTER: Yes. And if it said -- meaning -- reading it, meaning if the national board would pay for him to come.

CHAIRMAN TAYLOR: Yeah. Yeah, that's what --

MS. WRIGHT: Right. But this is direct from the recording. I can't go by meaning. I have to -- this is direct from the recording.

DR. FOSTER: I don't think you're reading it correctly. Try reading it with another twist to it.

MS. WRIGHT: Yeah. That's why I brought it to the board. I transcribed it straight from the recording.

DR. FOSTER: "They" meaning -- I think you're reading it wrong, Rebecca.

CHAIRMAN TAYLOR: Let me ask you this: he didn't ask for travel reimbursement, did he?

DR. FOSTER: No.

MS. WRIGHT: No. Again, this was one of the amendments that was approved and put into the minutes. This is a direct -- transcribed straight from the recording, so I don't know what the meaning was. I just put --

CHAIRMAN TAYLOR: My understanding in this conversation intent that Dr. Foster meant --

DR. FOSTER: The word "they" meant National Board of Chiropractic Examiners.

CHAIRMAN TAYLOR: Yeah.

MS. ABERNETHY: That's right.

DR. BARNETT: Let's leave that alone.

MS. WRIGHT: Do you want a clarification? Because this is direct from the recording.

CHAIRMAN TAYLOR: Well, it says Dr. Foster asked the Board of Examiners -- that doesn't -- the language is not right -- asked the Board of Examiners to send a representative, if they would agree for one to come address the board's questions --

DR. FOSTER: To pay for one to come.

CHAIRMAN TAYLOR: -- and if they would agree to pay.

DR. FOSTER: Right.

CHAIRMAN TAYLOR: "They" meaning them, not us.

DR. FOSTER: That's the National Board.

MS. WRIGHT: Like I said, this is straight from the recording. I don't make the interpretation.

MR. McCOY: Can we not amend the minutes --

DR. FOSTER: It was a common understanding.

MR. McCOY: -- with a correctional statement?

DR. FOSTER: What about it is confusing you, Rebecca, to make you think --

MS. WRIGHT: I'm not -- like I said, this is a transcript straight from the recording. I'm just bringing it to the board.

DR. BARNETT: I make that motion --

MR. McCOY: Second.

CHAIRMAN TAYLOR: Motion by Dr. Barnett --

MS. WRIGHT: Oh, I'm sorry. I didn't hear the motion.

DR. BARNETT: -- that we not reimburse for travel.

CHAIRMAN TAYLOR: Reimbursement to Dr. Paul Townsend.

DR. FOSTER: Well, there's a second -- I really would like

--

CHAIRMAN TAYLOR: Second by Mr. McCoy.

DR. FOSTER: I would really like to clarify that because I think it could really be misconstrued when it goes into the record that the board suddenly reversed its position, and we did not. And I would really like the motion to be restated as a clarification that the --

DR. BARNETT: Let's just make another motion.

DR. FOSTER: -- transcript --

DR. BARNETT: I make the motion --

DR. FOSTER: -- presented --

DR. BARNETT: We're trying to get this meeting over with as soon as possible.

DR. FOSTER: Well, I'm sorry. But I just know that there are a lot of folks who like --

DR. BARNETT: Well, if she wants clarification for intent, that's okay.

DR. FOSTER: Just to protect myself.

DR. BARNETT: All right.

DR. FOSTER: Because I know there are a lot of things that --

CHAIRMAN TAYLOR: What we're doing -- okay.

DR. BARNETT: I make the motion that we do not reimburse the travel expenses based on the fact that it was never the intent of the board to reimburse this individual to start with.

DR. FOSTER: Thank you. I appreciate that.

CHAIRMAN TAYLOR: The motion was made by Dr. Barnett, second by Mr. McCoy. Any further discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by like sign? Chris Cathey?

DR. CATHEY: Yes. Okay.

DR. MOORE: Time's up.

DR. CATHEY: Really, I could go as long as you want or as short as you want.

CHAIRMAN TAYLOR: Short.

DR. MOORE: Short.

DR. FOSTER: Short.

DR. CATHEY: Okay. Long story short, nothing has been proposed that would work. Our contention at the ACS is that the rules and regs cover this already. The ACS's point from the letter that was written and brought to the last meeting is that they agree the rules and regs are fine as they are covering this topic. Now, with that said, other ideas have been broached, following them through and researching them, only one has come that would actually probably stand up. And a very wise chiropractor who has been around the block a couple of times proposed that. If the complaints allege fraud, we send them straight to the prosecuting attorney's office and let them handle it. They have the resources to do it. Once they start to pile up over there, there will be pressure put on these folks to handle it and take care of it at that point. That is about the best I've come up with over the last six weeks or so.

Now, one more point: Representative Denny Altus from Fort Smith is hell-bent on changing this in the legislature. It may take care of itself right there. Any questions?

MR. McCOY: Good report.

CHAIRMAN TAYLOR: Any questions of Dr. Cathey?

DR. CATHEY: Say it again?

MR. McCOY: Good report.

DR. CATHEY: Short enough?

CHAIRMAN TAYLOR: Yeah. Appreciate it, Dr. Cathey.

DR. CATHEY: Thank you.

CHAIRMAN TAYLOR: All right. The next topic is new

computers.

MS. WRIGHT: Okay. I've got the quote for the new computers, starting on page 51. The total amount will be \$2,099.47. The Board approved up to \$2,100.00, so that way we get everything covered. And then, according to D-I-S, the hard drives of the old computers will be kept for three years because there was some concern of what will be done with the old computers.

CHAIRMAN TAYLOR: According to what, now?

MS. WRIGHT: D-I-S, Department of Information Services.

CHAIRMAN TAYLOR: Yeah. That's what was recommended?

MS. WRIGHT: Yes.

CHAIRMAN TAYLOR: Yeah. Okay.

MS. WRIGHT: Uh-huh. Yeah. There's been some concern, so I brought this -- as the director, I already had this taken care of. But because that concern came up I went ahead and brought it to the board.

CHAIRMAN TAYLOR: Okay.

MR. McCOY: We approved \$2,100.00?

MS. WRIGHT: Yes.

DR. FOSTER: Rebecca, it's not included in here but I just ask that we could consider that the hard drives need to be conserved by the board as our property so that we have records of everything on them. Everything from email records, all kinds of things, can be tapped out of that should we ever need to get it and I would recommend that the board keep those indefinitely. We certainly have the storage room available and that they be, you know, put in our closet.

CHAIRMAN TAYLOR: Is that a motion?

DR. FOSTER: I'd like to make a motion that --

MR. McCOY: Second.

DR. FOSTER: -- the Board of Examiners keep the hard

drives indefinitely.

CHAIRMAN TAYLOR: Motion by Dr. Foster, second by Mr. McCoy. Any discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by like sign. Any questions about the computer?

DR. FOSTER: How old are the old computers? I know we got those --

MS. WRIGHT: They're about nine years old.

DR. FOSTER: What was the one that was purchased --

MS. WRIGHT: I don't know. I wasn't here. This is the first time I've purchased computers for this office.

DR. FOSTER: How do you know they're nine years old? Because I remember us getting computers within the last three or four years, just for the record.

MS. WRIGHT: Well, Dr. Collins and I looked up the system and it stated that it was 2001.

CHAIRMAN TAYLOR: Well, is any hardware being traded in on the new stuff?

MS. WRIGHT: No. All we're going to do is get new computers. D-I-S is going to come over; they're going to back up all on the old computer, then they're going to move it all over to the new computer.

CHAIRMAN TAYLOR: Okay. So we have the same hardware?

MS. WRIGHT: Yes.

CHAIRMAN TAYLOR: Okay. Okay.

MS. WRIGHT: Yeah. We're just getting updated computers with updated software programs. That's all.

DR. FOSTER: You are backing up now; right?

MS. WRIGHT: Yeah. I've been backing up for about a year.

DR. FOSTER: Good.

CHAIRMAN TAYLOR: Any questions on the matter of the new

computer system? If not, we'll go to New Business.

NEW BUSINESS

CHAIRMAN TAYLOR: First is "Purchasing Card for Office." Rebecca?

MS. WRIGHT: Yeah. Just an FYI, and I've already talked to Mr. Roberts and Dr. Collins. We are going to get a purchasing credit card for this office and it will be for general purchases. The main thing we need it for right now is to get fingerprint cards. Since we're not doing federal background checks, we can't get fingerprint cards for free. And these are just the emails going back and forth. As of December 9th they still don't have it ready. This goes through DFA when we request these types of things, so I'm still waiting to hear from DFA. Once it's in the system we'll be off and running. And just so you know, any credit cards we have on file, of course, we've got receipts, we have statements, the payments go through the State Treasury. So everything is followed and more than one person sees what's going on, how much is being spent.

MR. McCOY: Is there any limit on this?

MS. WRIGHT: I don't know yet. They haven't completed the paperwork, so --

CHAIRMAN TAYLOR: Well, it's a purchasing card.

MR. McCOY: There is a limit?

MS. ABERNETHY: Most state cards have a limit on them. I don't know what the limit will be or if it's specific to boards. But I know that most of the other agencies I represent almost all of them have cards and they do have limits on them.

MS. WRIGHT: So, just an FYI. Still waiting to hear back.

CHAIRMAN TAYLOR: Okay. Any comments or questions about this? If not, we'll go to --

CHAIRMAN TAYLOR: Do all of these emails pertain to that?

MS. WRIGHT: Yes. Because I know the board likes to see all of it, so --

CHAIRMAN TAYLOR: Okay. Next, we'll go to "Credentials Review."

MS. WRIGHT: Oh, excuse me. Do you want to bring up William Traylor under New Business?

CHAIRMAN TAYLOR: Yes, I do.

MS. WRIGHT: Okay.

CHAIRMAN TAYLOR: Everybody look at a document -- a letter that was sent or faxed by Dr. Traylor.

MS. WRIGHT: Yeah. The top says Traylor Chiropractic Clinic and it was loose.

CHAIRMAN TAYLOR: Okay.

DR. FOSTER: We may have read that he had a second event. He had a dispensation of two hours, and he's asking for one more consideration. And I'd like to make the motion that we allow re-licensure of Dr. Traylor for 2011, based upon his continuing education completed to date.

DR. BARNETT: Second.

CHAIRMAN TAYLOR: Motion made by Dr. Foster, seconded. The only thing that -- for a matter of discussion, the only thing that I'm -- I was told -- Maurice talked to me about this. I just asked him to fax a letter and my understanding was he was going to. I'd asked him if his dad could sign, and he said, "Oh, yeah, he can sign it." So this is an unsigned letter and I'm sure it's valid. I don't think it -- but what I would like to do is just --

MS. WRIGHT: Well, they faxed it three or four times. This is the first one that came in and then there were some more sitting on the fax machine. So I don't know why they keep sending it.

CHAIRMAN TAYLOR: Okay. Is it on the same fax machine?

MS. WRIGHT: I can go check.

CHAIRMAN TAYLOR: Yeah. Go check because I asked him to do that.

MS. WRIGHT: Sure. Yeah, I'll go check.

CHAIRMAN TAYLOR: Just so we'll have that one for a matter of record.

MS. WRIGHT: Sure.

(MS. WRIGHT LEAVES THE ROOM)

(MS. WRIGHT RETURNS)

MS. WRIGHT: Yeah. This one has the signature.

CHAIRMAN TAYLOR: Okay. Yeah. This is the signed one. I want to direct you, Rebecca, to enter this into the minutes and make it a part of the record so that we have a signed copy, rather than the one the board is seeing, if the board wants to see that. So we have a motion on the floor and a second. Any further discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by like sign.

CREDENTIALS REVIEW/TEMPORARY LICENSE REQUESTS

CHAIRMAN TAYLOR: Okay. We'll go to the next matter here, Credentials Review and Temporary License Requests.

MS. WRIGHT: Yes. Some of the applicants are also requesting temporary licenses.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: So each one is noted on one page. Each applicant is on one page. And I'll start with David Eisenmenger. He did not turn in his jurisprudence exam, so I didn't know if the board wanted to go ahead and consider it or -- I don't know.

CHAIRMAN TAYLOR: Well, now the jurisprudence exam, does

it have to be in 45 days -- I mean, is that a prerequisite before --

MS. WRIGHT: Yes.

DR. FOSTER: And all examinations have to be marked and graded by the board members.

CHAIRMAN TAYLOR: And this is --

DR. FOSTER: Has everybody else taken their jurisprudence and has it been graded by board members?

MS. WRIGHT: Huh-uh.

DR. FOSTER: No?

MS. WRIGHT: We've never -- yeah. I've always done the grading here in the office.

CHAIRMAN TAYLOR: The first applicant here is what you're talking about?

MS. WRIGHT: No. His national board, their due-dates are January 11th. So he still has time to get that in.

CHAIRMAN TAYLOR: Okay. What is he lacking besides the jurisprudence?

MS. WRIGHT: Just the jurisprudence. I sent it to him on December 1st, and I have not received it back. And I believe -- and I brought that file in here too.

CHAIRMAN TAYLOR: Now could you refresh my memory as to where this actually refers to the jurisprudence?

MS. WRIGHT: It should be with the application information.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: David Eisenmenger, he's the one that graduates -- let's see -- "Cleveland will not fill out page three until after I graduate. I walk on December 10th and officially graduate on December 13th. They said that they have to wait to get my official school credits until I graduate; thus, they can't fill out page three, which is the Chiropractic

College certificate." But I told him I have everything else on file. Of course, I talked to Dr. Taylor, the exam officer, about this and he said to go ahead and put it for the board's consideration, to let the board decide if he can --

CHAIRMAN TAYLOR: Are you aware of whether this pertains to jurisprudence?

DR. MOORE: And X's mean they do have it?

MS. WRIGHT: Yes.

DR. FOSTER: We can make exceptions.

CHAIRMAN TAYLOR: But the jurisprudence exam in essence is an exam that patients -- I mean, that the doctor has --

DR. FOSTER: It's part of our state examination. It's for their state examination.

CHAIRMAN TAYLOR: Yeah.

DR. FOSTER: That's right.

CHAIRMAN TAYLOR: So everything else is in compliance?

MS. WRIGHT: Yeah. The Chiropractic College certificate, he did -- he put it on file with a note and then Cleveland will fill this form out, technically after tomorrow -- I mean, sorry, after yesterday, December 13th.

DR. MOORE: Is it the national board?

CHAIRMAN TAYLOR: Now are you saying he doesn't have this either?

MS. WRIGHT: Right. This is the notes and this is the one you and I had talked about before, about what should we do, what should we not do. And the decision was we'd just take it to the full board to decide if he should be reviewed or not.

CHAIRMAN TAYLOR: Well, with Cleveland --

MS. WRIGHT: He just graduated yesterday.

CHAIRMAN TAYLOR: Right. Right. Okay. Yeah.

MS. WRIGHT: So this is where they put, you know, their number of fiscal exams, their number of urinalyses -- well,

Cleveland won't fill this out until after he's officially graduated, which was yesterday.

CHAIRMAN TAYLOR: Yeah. And he met the requirements and so he fits in with the preceding six months prior exam that doctors don't have to have full licensure and is contingent upon them having that matter resolved before the board exam.

MS. WRIGHT: Right.

MS. WRIGHT: The national board --

CHAIRMAN TAYLOR: The national board -- go ahead.

MS. WRIGHT: I'm sorry. National boards have a different due-date. They're due seven days before the state exam or orientation. So that due-date is January 11th, so he does have time to get those in.

DR. MOORE: So if we're agreeing, it's contingent upon him having everything filled out before this?

MS. WRIGHT: Yes. And then he'll sit for orientation in January. Yes.

CHAIRMAN TAYLOR: Right. Okay. Do you want to make that motion that we accept his --

MS. WRIGHT: David Eisenmenger.

DR. MOORE: Dr. David Eisenmenger sits for the January state board --

CHAIRMAN TAYLOR: Contingent upon --

DR. MOORE: -- contingent upon him completing the application -- all the application requirements.

DR. BARNETT: I'll second that.

CHAIRMAN TAYLOR: Motion and second. Any discussion? All in favor, "aye."

(MAJORITY CHORUS OF "AYES")

CHAIRMAN TAYLOR: Opposed by like sign.

DR. FOSTER: I abstain because I just didn't understand -- I would for point of order just mention that immediately

following the grading of examinations the license numbers will be -- that's written on grade sheets and the grade sheets will be signed by each board member.

CHAIRMAN TAYLOR: I don't think we have any state exams coming up, do we?

DR. FOSTER: Yeah. It just says the examinations are supposed to be signed.

CHAIRMAN TAYLOR: And you're talking about on jurisprudence?

DR. FOSTER: Well, it says examinations.

CHAIRMAN TAYLOR: But the only thing that will be in the exam for this would be the jurisprudence.

DR. FOSTER: The jurisprudence examinations that she's been collecting and passing need to be signed by the board members according to what I'm reading in these directions. And so you all might want to consider signing them and reading them.

CHAIRMAN TAYLOR: Okay. Yeah. Let's make sure that we do that.

DR. FOSTER: The board agreed to sign them.

CHAIRMAN TAYLOR: Okay. The jurisprudence part of it, you're saying.

DR. FOSTER: Right.

CHAIRMAN TAYLOR: Yeah.

DR. FOSTER: That's not being done.

CHAIRMAN TAYLOR: Okay. We want to make sure -- I'll give you the directive, Rebecca, that we make sure we do that so we are in compliance here.

(MS. WRIGHT IS NODDING HER HEAD UP AND DOWN)

CHAIRMAN TAYLOR: Okay. But now are you abstaining on the vote?

DR. FOSTER: Yes.

CHAIRMAN TAYLOR: Okay.

DR. FOSTER: Just because I didn't catch it all.

CHAIRMAN TAYLOR: Okay. All right. Let's see. The next applicant is Brandon Fitch.

MS. WRIGHT: He is completely -- his jurisprudence is on file because this checklist was made before he completed that. And he is requesting a supervised license until he is fully licensed.

CHAIRMAN TAYLOR: So he's requesting a temporary license?

MS. WRIGHT: Yes. A temporary supervised license.

DR. MOORE: Well, I'm not clear. What is he waiting on for his full license?

MS. WRIGHT: This is his first credentials review. Yes. So if he gets the temporary, it will be from now until January.

DR. MOORE: Oh, okay.

MS. WRIGHT: Yeah.

DR. MOORE: I move that we accept Brandon Fitch's application.

DR. BARNETT: Second.

CHAIRMAN TAYLOR: Motion made by Dr. Moore, second by Dr. Barnett. Any discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed? Mr. McCoy is not here. I think we've got to have two-thirds --

MS. WRIGHT: Do you want to wait till he comes back?

CHAIRMAN TAYLOR: Let me see. Two-thirds is -- did you vote for it?

DR. FOSTER: Yes.

DR. MOORE: We've got it.

CHAIRMAN TAYLOR: Okay. We've got two-thirds. Wait a minute. Do we have two-thirds? Four out of seven.

DR. FOSTER: It's two-thirds of a quorum.

CHAIRMAN TAYLOR: Yeah. Because I didn't vote. Y'all had five votes. No, wait a minute.

MS. WRIGHT: Four votes.

CHAIRMAN TAYLOR: Four.

MS. WRIGHT: Well, here he comes.

CHAIRMAN TAYLOR: I didn't vote. So four out of six is two-thirds.

(MR. McCOY ENTERS THE ROOM)

CHAIRMAN TAYLOR: Mr. McCoy, we have a motion on the floor and a second to accept Brandon Fitch's temporary supervised license.

MS. WRIGHT: Accept his credentials review and provide a -- and give him a temporary license?

DR. MOORE: Uh-huh.

MR. McCOY: That was the vote?

MS. WRIGHT: Yes.

MR. McCOY: That was the vote before I walked in here?

MS. ABERNETHY: Everyone voted for it but we need another vote to make two-thirds.

CHAIRMAN TAYLOR: It's got to be two-thirds of the membership, not two-thirds of the members in attendance.

DR. BARNETT: We only have six members of the board.

DR. FOSTER: On the use of the abbreviation "n/a," I know that can mean "not available" or "not applicable." On these, when it says "verification of outside license," does that mean not available?

MS. WRIGHT: No. "N/a" is not applicable.

DR. FOSTER: Because that is an ambiguous abbreviation, either "not available" or "not applicable." I just want to make sure that he didn't have any other license -- right? -- Brandon Fitch?

MS. WRIGHT: No. He's a brand-new --

CHAIRMAN TAYLOR: We have a motion on the floor and a second and we had a pass by two-thirds and Mr. McCoy was absent for the vote.

MR. MCCOY: I vote yes.

CHAIRMAN TAYLOR: Okay. Now we go next to Dr. Goldberg.

MS. WRIGHT: Dr. Goldberg is complete and she's not requesting a temporary license.

DR. BARNETT: I make a motion we accept.

DR. MOORE: Second.

CHAIRMAN TAYLOR: Motion by Dr. Barnett, second by Dr. Moore. Any discussion? All in favor say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Opposed by like sign. Dr. Jameson is next.

MS. WRIGHT: Okay. Jonathan Jameson graduates in April of 2011, but he very adamantly requested to be on today's credentials review and he's also requesting a temporary supervised license.

DR. BARNETT: I make the motion --

DR. MOORE: He graduates or until he graduates?

MS. WRIGHT: Until he graduates. Yes.

DR. MOORE: As a preceptor or something?

MS. WRIGHT: No.

CHAIRMAN TAYLOR: Well, he's not available as an applicant for the board until the July meeting.

DR. BARNETT: He wants his temporary license --

CHAIRMAN TAYLOR: Well, no, he's wanting --

DR. MOORE: He wants it right now.

CHAIRMAN TAYLOR: He wants a temporary license.

DR. BARNETT: I don't think we can do that.

MS. WRIGHT: No. He wants the temporary license now.

DR. BARNETT: I don't think we can do that.

MS. WRIGHT: And he wants his full licensure in January.

MR. McCOY: But he hasn't graduated.

MS. WRIGHT: And then the day he -- the next day after graduation he wants to start practicing, and he was very adamant that it be considered today. And Dr. Taylor and I talked about it and said we'll take it to the board and let the board decide if it should be reviewed today.

MR. McCOY: He asked that it be presented today, to be awarded the day after he graduates? Is that the question?

CHAIRMAN TAYLOR: Yeah. But my question was: is he an applicant for the board due to the fact that his graduation date doesn't precede --

MS. WRIGHT: Yes. And this is one that you and I had talked about that even -- and I can't get him to understand that it was -- he's closer to the July date than he is -- like I say, he was very upset and was adamant that the board -- and so after talking to Dr. Taylor, his exam officer, the decision was why don't we take it to the board and let the board decide if it can be credential reviewed today. Then, if the answer is yes, then we take the next step.

DR. FOSTER: And where is his -- who is his supervising physician? Who is the supervising doctor, and is there a letter of recommendation?

MS. WRIGHT: He didn't write that on there.

DR. FOSTER: Well, did he fill out an application for a temporary supervised license?

MS. WRIGHT: Yes.

DR. FOSTER: Okay. And on that did he tell who's his supervising and did the supervising individual provide a letter of endorsement?

MS. WRIGHT: No.

DR. FOSTER: Then, in my opinion, he doesn't meet the requirements for a temporary supervised license.

MR. MCCOY: I agree with that.

DR. FOSTER: I move that we -- I make that motion that we don't accept the application and that we inform him that he does not meet the requirements for a temporary supervised license, which requires the endorsement from the supervising physician, along with an application for a temporary supervised license.

CHAIRMAN TAYLOR: Motion made by Dr. Foster.

DR. BARNETT: Are you saying we can give a temporary license to someone who has not graduated?

DR. FOSTER: Oh, you're right. He hasn't graduated.

DR. BARNETT: He wants the license now, but he doesn't graduate till April.

MS. WRIGHT: Right.

DR. MOORE: Like in July.

DR. FOSTER: So let me pull that. Let me revoke that. You want to restate that?

DR. BARNETT: I make a motion we deny his application at this time. He's welcome to reapply after graduation for a temporary license, at which time we'll carry him over until the July board.

DR. FOSTER: Oh, okay.

DR. BARNETT: Yeah. And that's also pursuant on whether or not he can pass the exam.

MR. MCCOY: That's pretty much the traditional way, isn't it?

DR. MOORE: I second that.

MS. WRIGHT: Okay. I have a clarification question. Are you denying the temporary license and the credentials review or just the temporary license?

CHAIRMAN TAYLOR: Both.

MS. WRIGHT: Both.

DR. BARNETT: Both. Because he doesn't qualify to sit for boards in January anyway.

MS. WRIGHT: Okay. But hold it till the June and the July -- okay.

CHAIRMAN TAYLOR: The motion was made and seconded. And the motion is -- Rebecca, will you restate the motion?

MS. WRIGHT: Yeah. Dr. Barnett moved that both the temporary license application and the credentials review be denied because he does not qualify for the January orientation. But he can reapply after graduation for the July orientation.

MR. MCCOY: That was the motion.

MS. WRIGHT: And there was no second.

MR. MCCOY: Then I'll second.

COURT REPORTER: Dr. Moore seconded.

MS. WRIGHT: Oh, I'm sorry. I didn't hear that.

CHAIRMAN TAYLOR: Any further discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed? We'll go to the next item, Dr. Joseph.

MS. WRIGHT: Okay. Dr. Joseph actually was reviewed on October 21, when she requested her temporary unsupervised license. So she is current under her unsupervised license. She's got a completed application on file, so she is eligible to sit for the January orientation.

DR. MOORE: I move that we allow her to do that.

DR. BARNETT: Second.

CHAIRMAN TAYLOR: Motion made by Dr. Moore, second by Dr. Barnett. Any discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by like sign. Let's see. This next item is Dr. Jim Taylor. Rebecca?

MS. WRIGHT: Yes. Dr. Taylor, he does have a completed application on file. And on his background check he -- let me pull it up here. There was, okay, from Sinbad -- of course, Arkansas had board actions and then there's a Medicare exclusion sanctioned by the US Department of Health and Human Services. Date sanction was imposed was 04/20/2000, for violation of the Social Security Act, Section 1128(a)(3), a felony conviction relating to healthcare fraud. And then his state background is actually still pending. I'm waiting to hear back from the Arkansas State Police, for them to finish that report, and then I can put that on file.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: But everything else he's got on file. Let me say that again; his application is complete.

CHAIRMAN TAYLOR: It's complete?

MS. WRIGHT: Yes.

DR. BARNETT: Do you have Parts 3 and 4 of the national boards?

DR. JIM TAYLOR: No

DR. BARNETT: Well, it's got a check that you do.

MS. WRIGHT: On my checklist it says Part 4 is optional but Part 3 -- see, it states that on his application he has a National Board certificate but he does not plan on submitting Part 4. So that's why I checked that on there. The "X" next to Part 4 was probably just I went too fast. Did you take the national boards at all?

DR. JIM TAYLOR: Parts 1 and 2.

MS. WRIGHT: Okay. He took parts 1 and 2.

CHAIRMAN TAYLOR: And I'm going to recuse from discussing

this. But Rebecca did -- if you want to pass that around.

MS. WRIGHT: Sure.

CHAIRMAN TAYLOR: She brought up some other -- I mean, some other matters for the board on similar situations. There are actions on similar situations, so I'll recuse from any discussion and just let the board --

MR. McCOY: Who brought this up?

CHAIRMAN TAYLOR: I'm sorry?

MR. McCOY: Who brought this other stuff up?

CHAIRMAN TAYLOR: Well, Rebecca -- I had Rebecca look back and see how other board actions --

MR. McCOY: I see. That's good. You did it. That's all I wanted to know.

CHAIRMAN TAYLOR: -- in matters like this so that they can kind of give some opinion --

MR. McCOY: No problem.

CHAIRMAN TAYLOR: Yeah. I defer to the board on this matter completely.

MR. McCOY: No problem.

CHAIRMAN TAYLOR: Okay. So if you want to discuss or ask questions of Dr. Jim Taylor, he's here today.

MS. WRIGHT: Yes. Dr. Taylor is here.

DR. MOORE: So the only conviction is a felony conviction. Is that correct?

MR. McCOY: That's correct.

DR. MOORE: Is there in our statute anything against carrying a license -- what is the statute on that?

MS. WRIGHT: There is, but there's also a section that states that the board makes the final decision.

MR. McCOY: We do have, I believe -- and that may be what you passed around.

DR. BARNETT: It is. But I've got a question on this.

There's a couple of people in here that apparently had felony convictions also. But they never surrendered their license and no action was ever taken on their license. Is that correct?

MS. WRIGHT: I think the only revocation I could think of in recent history was somebody who had a drug problem.

DR. BARNETT: But my point being, is there a precedent where someone has lost their license or someone has applied for a license, either way, that has a felony conviction and we have granted that person the right to sit for boards and obtain a license?

MS. WRIGHT: Yes.

DR. BARNETT: There is?

MS. WRIGHT: Yes.

DR. BARNETT: Who is it?

MS. WRIGHT: I know -- I think Dr. Glover was one of them.

DR. BARNETT: No. Dr. Glover never lost his license.

MS. WRIGHT: Oh, okay.

DR. BARNETT: That's my question. Has someone ever applied for the boards to get their license with a felony conviction?

MS. WRIGHT: I would have to research it. These are the names I was given to look up, so -- but --

DR. BARNETT: But these never lost their license. They were licensed doctors and they were convicted of a felony.

MS. WRIGHT: Okay.

DR. BARNETT: They haven't reapplied for anything.

DR. JIM TAYLOR: I didn't lose my license.

DR. BARNETT: Well, I know you didn't.

DR. FOSTER: You surrendered it by not renewing.

DR. JIM TAYLOR: It lapsed.

DR. BARNETT: Yeah. Which is a whole other issue.

DR. FOSTER: The reason that he made an application for a

new application take the exam is because he doesn't have a license in Arkansas.

DR. BARNETT: Right.

MS. WRIGHT: Under Rules and Regulations, Section C, Professional Conduct, that's where it talks about the conviction of a felony. But there is another section that talks -- that states that the board has the final say.

DR. FOSTER: What about the part on the new applicant?

MS. ABERNETHY: I'm looking at your statute 17-81-305, Qualifications of Applicants, and number seven says "not have been convicted of a felony." That's part of your law.

MR. McCOY: Did not Dr. Taylor surrender his license himself and ask that it be put on inactive status?

DR. BARNETT: Ask him. He's sitting right there.

MR. McCOY: I'm not sure about all the rules.

MS. ABERNETHY: He can still renew it.

DR. JIM TAYLOR: Originally, I did. I asked for it to be on inactive status.

MR. McCOY: I couldn't hear you.

DR. JIM TAYLOR: Originally, I did ask for it to be on inactive status, in 1996.

MR. McCOY: Okay. And the board decided that he had to apply for a new license. Is that correct?

DR. JIM TAYLOR: That's what the -- yeah.

MR. McCOY: Okay. That answered my question right there.

MS. WRIGHT: I found it, on page 2, section 3(e), Application to the Board for Exam or Licensure, "The board reserves the right to take into consideration and pass upon the moral character or reputation of any applicant at any time prior to the delivery of a license." So that --

MS. ABERNETHY: On appropriate grounds for rejection. I think part of it has to do with statutory interpretation and

it's a common interpretation that a board's rules cannot expand what the Arkansas legislature allows under statute. So you all have to -- I mean, your law is what your law is until you get it changed. And you can have rules that kind of spell out procedures or practices or policies of the board, but you can't go beyond what your statute says. And what your statute says is "not having been convicted of a felony."

MR. McCOY: To do what?

MS. ABERNETHY: It says that you're not eligible for application if you have been convicted of a felony.

MR. McCOY: Okay. Would you be eligible for renewal?

DR. JIM TAYLOR: Originally, that's what I requested was

--

MR. McCOY: My question is to the AG's office.

MS. ABERNETHY: I'll have to go to that section, Renewal. I'm just looking at the section for applications right here. Whether or not you can be renewed, I think you go to -- the statute talks about when you can renew and when you have to be considered a new applicant. And we've gone round and round about that, even with regard to this particular case. I know that you all have requested a letter from me in the past and my interpretation of that issue in the past. And what we decided in this particular case is that Mr. Jim Taylor was eligible to -- I mean, could reapply but was not, because of the length of time that had gone by, eligible for renewal. That's what was -- I mean, you all can certainly depart from your prior decision on this. But this board has talked about that --

DR. FOSTER: Did we have a hearing on that?

MS. ABERNETHY: Yes, we had a hearing. The attorney was Jamie Evins from Hot Springs who came, and we had a hearing and what you all decided was that he's not eligible for renewal.

CHAIRMAN TAYLOR: Just aside from that, but just for my

interpretation for later on references so that --

MS. ABERNETHY: Dr. Taylor, just as your counsel, I would advise you, if you want an interpretation on this, maybe ask for it at a time --

CHAIRMAN TAYLOR: Okay.

MS. ABERNETHY: -- when the board is not in the middle of discussion.

CHAIRMAN TAYLOR: Okay. Sure.

MS. ABERNETHY: That's just for your own protection.

DR. BARNETT: Can I ask? I'll ask. Obviously, your statement about rules versus statute versus law, would it be prudent for us to ask for an opinion from the Attorney General on this case as to what their interpretation is?

MS. ABERNETHY: Well, we've had a hearing already. And so before you -- I mean, the Attorney General's office, as far as the Opinions Department and the opinions of the Attorney General, they can give you an interpretation of law. They typically don't do that with -- I mean, they're not going to enter a ruling on a particular dispute while a dispute is pending. They won't do that. And so since there's an application pending, the Attorney General's Opinions Department is not going to weigh in with an opinion. What I would encourage you to do is look at the board's prior order in this issue and how you all got to where you are now. And, you know, certainly, if you want to lobby to have your statute changed there's a legislative session coming up. So if the board wants to do that, you certainly can.

DR. BARNETT: Well, I guess, the second part of that question, the law states "not having been convicted of a felony." I mean, that's pretty clear.

MS. ABERNETHY: Yes, sir. I would agree.

DR. BARNETT: Okay. So that's -- so if we decide to act

against that, we're violating our own rules and regs. We're not adhering to the law if we -- do you see what I'm saying?

MS. ABERNETHY: Yes.

DR. BARNETT: Okay.

MS. ABERNETHY: I do.

MR. McCOY: Question: I believe maybe it was the second meeting that I attended as a board member, maybe the first. Mr. Taylor and his attorney, the lady -- I can't remember her name now --

MS. ABERNETHY: Jamie Evins.

MR. McCOY: -- Jamie Evins were present. And I made a motion and the only answer I got -- and I'm still mad about it -- very quickly snapped out, "We've already heard that; we're not hearing anymore, period." Nothing else was said. That was it. The man was told to submit all his stuff and keep on and keep on. How many years are we going to drag him around here? If he's not eligible, let's show him the law and do what has to be done, like it or not like it. But let's have enough guts to stand up and do it, every one of us. It's not right to string Dr. Taylor or anybody else out like that.

MR. ROBERTS: I think the law is pretty clear on it.

MR. McCOY: Let's just determine if there is a way -- I hope there is -- but let's make that decision and quit stringing him out. I think the precedent is there that he could get it. We've got convicted felons with licenses practicing in Arkansas right now.

MR. ROBERTS: Let me ask Ms. Abernethy something, to clarify something about precedence. I've done a lot of research on the precedence, and a precedence cannot be set, even though it's been done -- if it's illegal, it is not a precedence. And to set a precedence you have to change your rules to comply with what you've set as the precedence. Is

that not correct?

MS. ABERNETHY: Well, I think the answer is that it depends. I think that -- you're correct that if a board acts illegally and there's later been, you know, a determination that any board or any state agency has done something illegal, then that's not upheld and you can't set a precedent for doing something illegal. I agree with that. But changing your rules, I don't think that you necessarily have to change your rules because, well, for one thing -- I mean, I certainly understand the distinction between what your statute is and what your rules are. And sometimes your rules for very good reasons give the board discretion in certain types of cases. You all want that kind of discretion and there is a time and place for that discretion. It doesn't give you the discretion to do something illegal, but it does give you the discretion to analyze certain cases on a case-by-case basis.

MR. ROBERTS: Right.

MS. ABERNETHY: You don't have the discretion to go outside of what your statutes are. And just with regard to this case or any other case, I do my best to answer your questions about legal interpretation and your rules. But I would certainly never supplant my judgment for that of the board. It's always up to you all to decide what kind of decision that you want to make in a given case and how you want to communicate that.

MR. McCOY: At what point is a felon's -- when is his debt to society paid?

MS. ABERNETHY: Is that a legal question?

MR. McCOY: That's a good rebut.

MR. ROBERTS: When the Governor sets it aside.

MS. ABERNETHY: I mean, I think that there are certain times where a felony conviction -- it stays on your record, you

don't get the right to vote, you can't bear arms. There are lots of things that rights are taken away if you're convicted of a felony in a criminal case or, I mean --

MR. McCOY: That's changed again now. We did give them the right to vote after they'd served their sentence. I mean, even our Lord said we forgive but we don't -- I know that did happen. I passed that law myself. But should we tell Dr. Taylor don't come back or should we do what? That's my question.

DR. FOSTER: He's recused.

MS. ABERNETHY: With all due respect, Mr. McCoy --

MR. McCOY: Oh, that's right. You're right. I'm sorry.

MS. ABERNETHY: Mr. McCoy, since this is a public board and you all do your best to always comply with the Freedom of Information Act, we can't tell someone not to come back. We can clearly communicate -- the board can communicate its position and if somebody chooses to come back and back and back and back, that's their right.

CHAIRMAN TAYLOR: For this matter, I'm going to have the board vote to nominate someone for this particular item to chair this so that you can move this along. I mean, would that be proper or do we need to -- do I need to -- is it all right to just go ahead and sit as chair?

DR. BARNETT: You're recusing?

CHAIRMAN TAYLOR: I'm recusing. But do I need to --

MR. McCOY: No. I addressed a question to you and I apologize for it. I heard you say you recuse and I just -- I wasn't thinking. I won't do that again.

DR. BARNETT: Dr. Moore.

DR. MOORE: I mean, if it's obviously in a law does it require a vote? I mean, I don't understand all of our discussion. Do we even have an option, I guess is what I'm

saying. Our option is --

MS. ABERNETHY: You all can make -- someone can make a motion and you all can vote on it. I think since Dr. Taylor -- Dr. Tom Taylor has recused, someone else should entertain a motion and a vote.

MR. McCOY: Would a motion -- well, I'm asking legally, do we have this right? Could we have a motion to investigate whether or not we can do something with this and get an answer back legally what the ramifications are? Or is there some rule that could be changed or are we dealing with state law?

MS. ABERNETHY: This is the credentials review and I think it's up to you all to decide whether or not you want to make a decision on a particular case. And just to speak to Dr. Tom Taylor's concern, for the purpose of the motion on this, I do think it's best if you recuse and let somebody else entertain a motion and a vote on this particular case.

CHAIRMAN TAYLOR: So, I defer. Can I defer or do we need a motion to --

MS. ABERNETHY: You can defer.

CHAIRMAN TAYLOR: Okay. I'll defer to our secretary for this.

MR. McCOY: He just got elected a few minutes ago.

DR. MOORE: I mean, I don't even know what we're making a motion for.

DR. FOSTER: We're reviewing the credentials of the applicant. And in the reviewing the applicant for new licensure in Arkansas, the record shows a felony conviction. The Board of Examiners must either pass this applicant as fit to take the state examination for licensure or deny the new applicant based upon the felony conviction. Does that -- Amanda, is that summarizing the --

MS. ABERNETHY: I think that's accurate.

DR. FOSTER: It's kind of hard to understand. We've never done it, you know.

DR. MOORE: Well, I mean, obviously, this is a fairly awkward situation. I mean -- but if there's a law against it, does it even come to the point of reviewing credentials or does that automatically exclude it before it even gets to reviewing the credentials?

MR. MCCOY: That's what I want to know.

DR. MOORE: That's my question. Is it even required?

MS. ABERNETHY: I think the criminal background is part of -- I mean, obviously, it's not part of the education credentials but it is one of the elements that you all review. Whether it was this applicant or some other applicant, you review this checklist. And so if in reviewing this checklist you make the determination that, "Oh, well" -- just like you all did on the other one, "They haven't had this test or they haven't graduated," "No, we're going to deny it" or "Yes, we're going to accept it." You do the same thing on this one with regard to the checklist, and the information that we have is there's a felony conviction.

DR. FOSTER: And even the timeframe -- I mean, it could be very hard if somebody is one day late.

MR. MCCOY: I can't hear you.

DR. FOSTER: If the timeframe is not met -- you know, we try not to have any latitude because it's not fair to anybody if they're late and the statute says 45 days or how many days it has to be before National Board-Part 4. We just follow that and then sometimes they have to wait. Credentials review is just saying "this is what the director put together, the packet, and she's presenting these people to see if they're fit for the next step," which we have to vote and say, "This one is, this one isn't."

DR. MOORE: So I'm entertaining a motion.

MR. ROBERTS: I'll make the motion that we do not accept this application based upon 17(c) or whatever it is -- anyway, the convicted felony.

MS. ABERNETHY: 17-81-305(a)(7).

DR. MOORE: Do I have a second?

DR. FOSTER: Second.

DR. MOORE: All in favor?

MR. ROBERTS: Aye.

DR. BARNETT: Aye.

DR. FOSTER: Aye.

DR. MOORE: Aye. All opposed?

MR. McCOY: Aye.

DR. FOSTER: Will the record show a roll-call?

MS. WRIGHT: Yes.

CHAIRMAN TAYLOR: Okay. We're going to go on to this next matter. This is credentials review on -- the next one is on page 67.

MS. WRIGHT: Page 67, Chris Dodson.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: Sorry, I'm still writing.

CHAIRMAN TAYLOR: What?

MS. WRIGHT: I'm still writing.

CHAIRMAN TAYLOR: Oh.

MS. WRIGHT: Sorry. I was trying to talk and write.

CHAIRMAN TAYLOR: Okay. All right. And what's the matter in this?

MS. WRIGHT: Oh. He is okay. We thought we had a complaint against him but it's against a medical doctor with the same last name.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: But, no, he is fine and he does have a

completed application on file.

CHAIRMAN TAYLOR: Okay. And he's got Part 4 too?

MS. WRIGHT: Yes. Dr. Dodson has actually been licensed with the Board. And last year, for the 2010 year, he did not renew it and he lapsed. And so he had to follow the requirements to reapply and then he came -- it was on the board either, I forget, July or October and the board even made a motion that, no, he must reapply; he can't be just -- can't just renew. So that's what this is.

CHAIRMAN TAYLOR: But he's in compliance with us; right?

MS. WRIGHT: Yes.

CHAIRMAN TAYLOR: Okay.

DR. FOSTER: Additionally, do we have an affidavit or statement where he declares that he's not practiced during the interim?

MS. WRIGHT: I didn't ask for one.

CHAIRMAN TAYLOR: Well, now -- okay. And he's practiced before in Arkansas?

MS. WRIGHT: Yes.

CHAIRMAN TAYLOR: Okay.

MS. WRIGHT: He's had an Arkansas license. He just did not renew it on time and by the time he contacted me it was in March, that he had left.

CHAIRMAN TAYLOR: Okay.

DR. FOSTER: But it's against the law for him to, so it makes sense -- the board always has the right to know if he was practicing or seeing patients during that interim period.

CHAIRMAN TAYLOR: And he doesn't qualify for reactivation, likewise?

MS. WRIGHT: No. Because the time passed was too long.

CHAIRMAN TAYLOR: Okay. Okay.

MS. WRIGHT: Yeah.

CHAIRMAN TAYLOR: That makes sense.

MS. WRIGHT: I can tell you when he did lapse he got all the courtesy letters that I send out stating "cease and desist, you are considered not active." Yeah. So this is his application now to get his -- and I have -- his license number was 1578. He was licensed on 07/26/2001; it lapsed 12/31/09.

DR. BARNETT: Motion we accept it.

CHAIRMAN TAYLOR: Motion made by Dr. Barnett.

MR. MCCOY: Second.

CHAIRMAN TAYLOR: Second by Mr. McCoy.

DR. FOSTER: Discussion.

CHAIRMAN TAYLOR: Discussion.

DR. FOSTER: I'd like to have a letter from him stating, and signed, that he has not practiced during the periods of non-licensure in Arkansas.

CHAIRMAN TAYLOR: Discussion -- that would be another motion that we make. So any other discussion about the motion?

DR. FOSTER: That would be my objection to the current motion.

DR. BARNARD: I could amend the motion. Can I amend the motion?

CHAIRMAN TAYLOR: Well, let me ask this for matter of discussion. Are we going to have another criteria that someone has to meet that normally others don't?

DR. FOSTER: No. It's just illegal, so we can't be doing that.

CHAIRMAN TAYLOR: For what?

DR. FOSTER: For them to practice without a license in Arkansas. So --

CHAIRMAN TAYLOR: I know. But, I mean, is this -- I mean --

DR. FOSTER: It's simply an arbitrary request that would

make me feel more comfortable that he would state that he has not seen patients or treated patients during the period he was not licensed.

CHAIRMAN TAYLOR: I'm concerned with that, amending that motion to include that, because if you do that then there could be some discrimination that others haven't been -- had to use this criteria to obtain the same kind of status.

DR. FOSTER: Since it's illegal to practice in Arkansas without a license, and it's our duty to know who is and who isn't, I have no problem with the request. But it would cause me, if we don't ask for that, to maybe not vote yes, which you may have enough votes to do it without me. So, that's my discussion on that.

CHAIRMAN TAYLOR: Okay.

MR. McCOY: Could we not just ask him to send us that letter?

DR. BARNETT: I would like to amend my motion. Beverly's got a good point.

CHAIRMAN TAYLOR: Okay.

DR. BARNETT: I would like to amend the motion that we approve this upon receipt of the letter stating that he has not been engaged in active practice in the State of Arkansas in the year 2010, and because -- the only reason that I'm saying that is because this guy was a licensed doctor and obviously he was practicing. And so, you know, in January, did he just quit practicing for a year? So it's a valid point.

CHAIRMAN TAYLOR: Okay. So we have a motion. Do we have a second?

MR. McCOY: Did we withdraw the motion and the initial second?

CHAIRMAN TAYLOR: I mean, do we have to do that? Do we have to do that to amend it though?

MR. McCOY: It's customary.

DR. BARNETT: I withdraw my motion.

MR. McCOY: If you're going to follow Roberts Rules of Order, you do.

DR. BARNETT: Well, we don't have to go by Roberts Rules.

MR. McCOY: I know you don't.

DR. BARNETT: I understand that too, and I withdraw my initial motion.

MR. McCOY: And you better not ever try it.

DR. BARNETT: Well, is the second withdrawn? Is the second withdrawn?

CHAIRMAN TAYLOR: Who --

MS. WRIGHT: Mr. McCoy had seconded.

MR. McCOY: I withdraw.

CHAIRMAN TAYLOR: Okay.

DR. BARNETT: Now I'd like to make a motion that we approve this applicant based on him furnishing a letter, a signed letter, stating he has not been actively engaged in the practice of chiropractics in the State of Arkansas, in the year 2010.

MS. WRIGHT: Got it.

MR. McCOY: Second.

CHAIRMAN TAYLOR: Motion has been made by Dr. Barnett --

MR. McCOY: Second.

CHAIRMAN TAYLOR: -- and second by Mr. McCoy. Any further discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Any opposed by like sign? Okay.

MS. WRIGHT: And there's actually one more who got left out of the packet. This one is Kevin Schultz.

CHAIRMAN TAYLOR: Kevin Schultz. Okay.

MS. WRIGHT: Yeah. That was just -- he was hiding, he got

left out.

DR. BARNETT: Oh. This one's been passed out?

MS. WRIGHT: Yeah. Yes. Kevin Schultz, his application is complete and he's also requesting an unsupervised temporary license and he's been licensed, I believe, in Wisconsin for like nine years.

DR. BARNETT: What was the last part of the nine years?

MS. WRIGHT: He's been licensed, I believe it was in Wisconsin, for nine years. So he is a licensed doctor in another state.

DR. BARNETT: He's just wanting a supervised license until January. Right?

DR. MOORE: Unsupervised.

MS. WRIGHT: Unsupervised. Yes.

DR. BARNETT: But he meets all the requirements?

MS. WRIGHT: And he meets all requirements. Yes.

DR. FOSTER: And he has no disciplinary actions from --

MS. WRIGHT: No. Nothing was found on his background checks. No.

DR. MOORE: I move we accept it.

DR. BARNETT: Second.

CHAIRMAN TAYLOR: Okay. Motion made by Dr. Moore and second by Dr. Barnett. Any discussion? All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: Opposed by like sign? Mr. McCoy is absent for the vote.

INVESTIGATION REPORT

CHAIRMAN TAYLOR: Let's see. Investigation Report, is that the next one?

MS. WRIGHT: Yes. That's Dr. Barnett.

DR. BARNETT: We have not had any other investigations since the previous meeting. We have three complaints that have come in -- four complaints -- but Rebecca has sent them a letter. Other than that, they've not been acted upon at this time.

CHAIRMAN TAYLOR: All right. Thanks for the report. Now, do I have a motion to adjourn the meeting?

DR. BARNETT: Motion to adjourn.

MS. ABERNETHY: One more thing --

CHAIRMAN TAYLOR: Mandy?

MS. ABERNETHY: Thank you. I won't belabor it but -- and I know Dr. Taylor is aware of this, but my office has done some reassignment of duties. So this will be my last meeting with you all, unless -- you'll see me again if we don't finish the current hearing. That one is mine. But I've been reassigned and it's been good to see you; it's been a great honor and privilege to represent you.

DR. BARNETT: Thank you very much.

CHAIRMAN TAYLOR: Yeah. Thank you for your

(ROUND OF APPLAUSE)

MS. WRIGHT: Are we adjourned?

CHAIRMAN TAYLOR: Yeah. I have a motion to adjourn --

MR. ROBERTS: Second.

CHAIRMAN TAYLOR: -- by Barnett, Dr. Barnett, and second by Mr. Roberts. All in favor of the motion say "aye."

(UNANIMOUS CHORUS OF "AYES")

CHAIRMAN TAYLOR: We're adjourned.

(THE EXECUTIVE BOARD MEETING WAS ADJOURNED AT 2:57 P.M.)

C E R T I F I C A T E

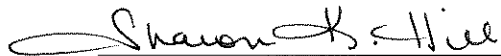
STATE OF ARKANSAS)
COUNTY OF PULASKI)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Chiropractic Examiners Board Meeting, on December 14, 2010; that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: December 28, 2010.



SHARON K. HILL, CCR
Certified Court Reporter
Certificate No. 670



Sharon Hill Court Reporting
(501) 847-0510